

**From:** Joe Christopher  
**To:** [Sanders-Curry, Madison](#)  
**Subject:** RE: Comments on February 21, 2018 Submittal  
**Date:** Friday, March 9, 2018 8:53:20 AM  
**Attachments:** [Trust Agreement with date.pdf](#)

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Hello Madison,

Here is the first page of the Trust Agreement containing a date. I will send the original to your attention.

Joe

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**From:** Sanders-Curry, Madison <[sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)>  
**Sent:** Thursday, March 8, 2018 2:35 PM  
**To:** Joe Christopher <[jchristopher@emeraldtransformer.com](mailto:jchristopher@emeraldtransformer.com)>  
**Cc:** Jessica Pennington <[jpennington@emeraldtransformer.com](mailto:jpennington@emeraldtransformer.com)>  
**Subject:** RE: Comments on February 21, 2018 Submittal

Thank you!

**Madison Sanders-Curry**

Physical Scientist  
RCRA Permits Section  
U.S. Environmental Protection Agency Region 9

75 Hawthorne St (LND-4-2)  
San Francisco, CA 94105  
Email: [sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)  
Phone: 415-972-3855

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**From:** Joe Christopher [<mailto:jchristopher@emeraldtransformer.com>]  
**Sent:** Wednesday, March 7, 2018 3:11 PM  
**To:** Sanders-Curry, Madison <[sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)>  
**Cc:** Jessica Pennington <[jpennington@emeraldtransformer.com](mailto:jpennington@emeraldtransformer.com)>  
**Subject:** RE: Comments on February 21, 2018 Submittal

Madison,

Attached is the revised section 2.3 identifying Principal Officers for Emerald Transformer Western States, LLC as the same for Emerald Transformer Los Angeles, LLC.

Joe

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**From:** Sanders-Curry, Madison <[sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)>  
**Sent:** Wednesday, March 7, 2018 2:00 PM

**To:** Joe Christopher <[jchristopher@emeraldtransformer.com](mailto:jchristopher@emeraldtransformer.com)>

**Subject:** RE: Comments on February 21, 2018 Submittal

Per our conversation, attached you will find the affidavit with additional language after our review. As stated the affidavit should be signed by a Principal Officer as identified in 2.3 of the Revised Application and can clarification be provided on if the Principal Officers of Emerald Transformer Western States, LLC are also the Principal Officers of Emerald Transformer Los Angeles, LLC.

Thanks for your continued work with us on this matter!

**Madison Sanders-Curry**

Physical Scientist

RCRA Permits Section

U.S. Environmental Protection Agency Region 9

75 Hawthorne St (LND-4-2)

San Francisco, CA 94105

Email: [sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)

Phone: 415-972-3855

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**From:** Joe Christopher [<mailto:jchristopher@emeraldtransformer.com>]

**Sent:** Wednesday, March 7, 2018 9:11 AM

**To:** Sanders-Curry, Madison <[sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)>

**Subject:** RE: Comments on February 21, 2018 Submittal

Madison,

As we discussed, here is a copy of the edited affidavit. I left the relevant mentioning of Clean Harbors intact. Let me know if this is OK. Thanks for your assistance.

Joe

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**From:** Sanders-Curry, Madison <[sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)>

**Sent:** Tuesday, March 6, 2018 10:25 AM

**To:** Joe Christopher <[jchristopher@emeraldtransformer.com](mailto:jchristopher@emeraldtransformer.com)>

**Cc:** Jessica Pennington <[jpennington@emeraldtransformer.com](mailto:jpennington@emeraldtransformer.com)>

**Subject:** Comments on February 21, 2018 Submittal

Hi Joe,

Thanks for the call today to discuss the February 21, 2018 letter and attachments submitted to us by hard copy. As explained in our call here are our comments:

- RCRA Subtitle C Site Identification Form – Please note that this is not a document that we manage and this document is managed by the State Of California. However on our copy of the

document, it reads under Name of Site's Legal Owner as Emerald Transformer, LLC. You informed me that this was a mistake and should read Emerald Transformer Los Angeles, LLC. Please ensure that all of the information on this form is correct when submitting it to the State. Also note that the version of the document sent to us has been superseded by an updated version of the document. Once again, this is not something we manage so please make sure these comments are worked through with the State.

- Please submit to us a hard copy of the Performance Bond with original signatures.

Additional Items not discussed on the phone:

- Please resubmit the first page of the Trust Agreement in hard copy to include a date. The version provided to us (attached) does is blank where the date was to be entered.
- Within the affidavit the name of the facility is "Clean Harbors Los Angeles, LLC" and should be changed to reflect the new name of the facility.

As I said on the call, I am going to be out starting next Friday for vacation and we would really like to get all of the appropriate documentation as soon as possible so we can continue forward on the name change, financial assurance change, and change in ownership.

**Madison Sanders-Curry**

Physical Scientist

RCRA Permits Section

U.S. Environmental Protection Agency Region 9

75 Hawthorne St (LND-4-2)

San Francisco, CA 94105

Email: [sanders-curry.madison@epa.gov](mailto:sanders-curry.madison@epa.gov)

Phone: 415-972-3855

## *Trust Agreement*

Trust Agreement, the "Agreement," entered into as of January 26, 2018 by and between Emerald Transformer Los Angeles LLC, a Delaware Corporation, the "Grantor," and SunTrust Bank, incorporated in the state of Georgia, the "Trustee."

Whereas, the United States Environmental Protection Agency, "EPA," an agency of the United States Government, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a PCB commercial storage facility shall provide assurance that funds will be available when needed for closure and/or post-closure care of the facility,

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facilities identified herein,

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Now, Therefore, the Grantor and the Trustee agree as follows:

### *Section 1. Definitions. As used in this Agreement:*

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

### *Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the facilities and cost estimates identified on attached Schedule A.*

*Section 3. Establishment of Fund.* The Grantor and the Trustee hereby establish a trust fund, (the "Fund"), for the benefit of the EPA. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible, nor shall it undertake any responsibility, for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by EPA.

*Section 4. Payment for Closure and Post-Closure Care.* The Trustee shall make payments from the Fund as the EPA Regional Administrator shall direct, in writing, to provide for the payment of the costs of closure and/or post-closure care of the facilities covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the EPA Regional Administrator from the Fund for closure and post-closure expenditures in such amounts as the EPA Regional Administrator shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the EPA Regional Administrator specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

*Section 5. Payments Comprising the Fund.* Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

*Section 6. Trustee Management.* The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in

### 2.3 Principal Officers

The principal officers of Emerald Transformer Western States, LLC ~~Clean Harbors, Inc.~~ are:

Corporate Executive Officer:	<u>Stuart Prior</u> <del>Alan S. McKim</del>
Chief Financial Officer:	<u>Mark Newman</u> <del>N/A</del>
Director of Human Resources:	<u>Meredith Allred</u>
Director of Safety / Environmental Compliance:	<u>Jessica Pennington</u>
Executive V. P. Operations:	<u>Mike Burns</u>
Executive V.P. Operations West:	<u>Jason Crawford</u>
Executive V.P. Product Sales and Marketing:	<u>Shane Willis</u> <del>James M. Rutledge</del>
General Counsel:	<u>David T. Musselman</u>

~~The principal officers of the Environmental Services Division are:~~

President:	<u>Eric W. Gerstenberg</u>
Senior Vice President:	<u>Barry K. Fogle</u>
Vice President:	<u>Scott D. Reed</u>

Note: The names listed above are also Principal Officers for Emerald Transformer  
Los Angeles, LLC.

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### 2.3 Principal Officers

The principal officers of Emerald Transformer Western States, LLC. are:

Corporate Executive Officer:	Stuart Prior
Chief Financial Officer:	Mark Newman
Director of Human Resources:	Meredith Allred
Director of Safety / Environmental Compliance:	Jessica Pennington
Executive V. P. Operations:	Mike Burns
Executive V.P. Operations West:	Jason Crawford
Executive V.P. Product Sales and Marketing:	Shane Willis

Note: The names listed above are also Principal Officers for Emerald Transformer  
Los Angeles, LLC.